



DEPARTMENT OF THE ARMY
U.S. ARMY MANEUVER SUPPORT CENTER AND FORT LEONARD WOOD
320 MANSCEN LOOP STE 316
FORT LEONARD WOOD, MISSOURI 65473-8929

REPLY TO
ATTENTION OF

ATZT-JA

0 8 FEB 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy # 26-06, Contacts With Industry

1. REFERENCES.

a. Federal Acquisition Regulation (FAR), Part 3, Improper Business Practices and Personal Conflicts of Interest.

b. Army Contracting Agency, Guidelines For Dealing With Industry.

c. Fact Sheet, OSJA, Subject: Contacts With Industry Representatives, dated 11 October 2005.

d. DOD Reg. 5500.7-R, Joint Ethics Regulation, 30 Aug. 1993 (w/C4).

2. PURPOSE. To establish an installation wide standard policy for processing requests from contractors and vendors to visit the installation for meetings, presentations and product demonstrations.

3. GENERAL. There is no general prohibition against non-contracting personnel having meetings with commercial entities. However, all commanders and directors will ensure that personnel comply with the Joint Ethics Regulation and FAR, Part 3, in all interactions with contractors and commercial firms doing, or seeking to do, business with the government. Inside information, as defined in Reference b, shall be safe guarded and not released without the prior approval of a contracting officer. Vendors will not be invited nor permitted to demonstrate or display equipment on the installation until after a proper vendor demonstration agreement has been executed with the firm by a contracting officer. No unauthorized commitments, nor promises of any kind, shall be made by government personnel in violation of the JER (Reference d).

4. POLICIES/PROCEDURES.

a. Matters involving on-going procurements. Only government contracting officers are authorized to discuss on-going procurement actions with non-Federal entities. Requiring activities and technical personnel may not contact competing contractors without prior approval of a contracting officer. Likewise all requests for information regarding procurements, unsolicited proposals and offers of vendor demonstrations or displays should be referred to the local Directorate of Contracting or Northern Regional Contracting Center (NRCC), Liaison.

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b. Meetings with firms holding current contracts related to installation requirements. When meeting with current government contractors, non-contracting personnel should not discuss specific problems involving task orders or basic contract issues without the prior permission of the assigned contracting officer. All personnel will refer Contractors attempting to raise such issues to the contract COR for coordination with the Contracting Officer.

c. General rules for scheduling meetings. Meetings shall be scheduled in advance and may be held in government space assigned to the director/command requesting or agreeing to the meeting. Meetings may include presentations by the contractor but government personnel must avoid requesting equipment (including software) demonstrations without prior negotiation of a vendor demonstration agreement by a contracting officer. Demonstrations shall not involve equipment, devices or systems currently being procured by or for the installation. All unsolicited proposals will be referred to a contracting officer.

d. Meetings involving Senior Commanders and Contractors. All requests from contractors or vendors for meetings with general officers require coordination with Executive Services. The contractor requesting the meeting must do so in writing and the request must include a proposed agenda. Once the agenda has been approved no changes shall be permitted without prior coordination. Generally a representative from the local Contracting Office or NRCC Liaison, as appropriate, should attend all meetings between contractors and general officers.

e. Market surveys and product information. Technical personnel may seek information on products from vendors, e.g. commercial brochures and pamphlets on current products, but care must be taken not to let the contact turn into an information exchange. Personnel must ensure that no procurement sensitive or other nonpublic information is accidentally disclosed during such communications. Government personnel are prohibited from seeking or receiving free design services or any other type of no-cost support from the vendor community such as development of specifications. If such services are required, they must be procured by contract. Personnel creating an unauthorized commitment may be held personally liable for the value of the goods or services.

f. Vendor displays and demonstrations. Vendors may not display or demonstrate equipment, devices or systems on the installation in the absence of an executed vendor demonstration/display agreement. In the processing of a request for a vendor demonstration/display agreement, a sponsoring organization must be identified. It is the responsibility of the sponsoring organization to contact the appropriate contracting officer and provide the contracting officer all pertinent information. The agreement shall be negotiated and executed by the contracting officer. Copies of the agreement are to be on file in the Contracting Office and the sponsoring organization's office. The vendor is to have a copy available for review at the site of the demonstration or display. Vendor displays shall be restricted to commercial areas except during installation sanctioned vendor shows. Vendor display agreements must specifically identify the location where the display shall occur. It is the responsibility of the sponsoring organization to coordinate requests for use of government space for vendor displays with the Installation Chief of Staff. No vendor display agreement may be executed prior to approval of the proposed location by the Chief of Staff.


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g. Requirement to review policy guidance. Commanders and directors shall ensure that personnel are familiar with this policy guidance and with the content of references b. and c. in paragraph 1. Personnel receiving requests for meetings with contractors or requests for information from contractors should coordinate questions with the installation contracting office, NRCC Liaison, or the Staff Judge Advocate.

5. SUPERSESSION. This policy is effective until superseded.

6. PROPONENT. The proponent for this command policy is the Office of the Staff Judge Advocate.


RANDAL L. CASTRO
Major General, USA
Commanding